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Chairman: Mr. TOMKA (Czechoslovakia)
(Vice-Chairman)

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In the absence of Mr. Afonso (Mozambique), Mr. Tomka (Czechoslovakia) took the Chair.

The meeting was called to order at 10.10 a.m.

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKE IN EGYPT

1. The CHAIRMAN, on behalf of all the members of the Committee, expressed sympathy to the Government of Egypt in connection with the recent earthquake in that country.

2. Mr. ABOULMAGD (Egypt) thanked the Chairman for the expression of sympathy.

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/47/33, A/47/60-S/23329, A/47/67 and A/47/516)

3. The CHAIRMAN drew attention to document A/47/516 which had been added to the list of documents relating to the agenda item.

4. Mr. GONDRA (Argentina) said that the Charter of the United Nations was approaching its fiftieth anniversary. The past half century had shown that, despite its imperfections, the collective security system established under the Charter was functioning. While the General Assembly, the Security Council and the Secretary-General had different roles assigned to them, by the Charter, they had common objectives, namely, the maintenance of international peace and security and the promotion of the peaceful settlement of disputes. One of the principles on which the Charter was based was that of legal equality among States. The Charter was the Constitution of the international community; accordingly, any proposal to amend its provisions must take political realities into account.

5. Turning to the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/47/33) and to the working paper entitled "Draft declaration on the improvement of cooperation between the United Nations and regional organizations" (A/AC.182/L.72) in paragraph 39, he said that it would be premature to deal, at the current stage, with the question of the final form that the document would take. Furthermore, the title did not define the scope of the cooperation between the United Nations and regional organizations. In general, however, the working paper constituted a useful basis for discussion; paragraph 3, which reminded States that the peaceful settlement of disputes should be based on free choice of specific means, and paragraph 20, which referred to the taking of coordinated steps to strengthen guarantees of human rights were of particular importance. Paragraph 10, however, which referred to the non-proliferation of nuclear weapons, appeared to be inappropriate in the context of the working paper.

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6. With regard to the working paper entitled "New issues for consideration in the Special Committee" (A/AC.182/L.65 and Corr.1), which was summarized in paragraphs 96 to 99 of the report, his delegation noted that some of the proposals which it contained had been condensed and included in a report of the Secretary-General (S/24025), while others had been dealt with in other sections of the Special Committee's report; accordingly, further consideration of the working paper was unnecessary for the time being.

7. Lastly, the working paper on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter (A/AC.182/L.73) (A/47/33, para. 109) dealt with substantive issues to which the Special Committee should devote further attention.

8. Mr. MIKULKA (Czechoslovakia) said that adapting the United Nations to new political, economic and social realities should be an evolutionary process which, however it was carried out, must not endanger the collective security system at a time when it was beginning to function properly. Any approach which threatened to undermine the Organization's basic structures must be scrupulously avoided. The Special Committee should be a forum for the free exchange of views and the search for areas of agreement, without which no change would be possible.

9. The statement by the Legal Counsel concerning the proposal that the Secretary-General should be authorized to request advisory opinions from the International Court of Justice (A/47/33, para. 31) was extremely helpful. The Legal Counsel had clarified both the reasons behind the proposal and the problems which could arise from its implementation, and the ensuing discussion in the Special Committee had shown that further consideration was needed before a recommendation could be submitted to the General Assembly.

10. The question of cooperation between the United Nations and regional organizations (A/AC.182/L.72) (A/47/33, para. 39) was part of the broader issue of the maintenance of international peace and security. The recent revitalization of the collective security system, and the difficulties which had emerged in that context, showed that the question of cooperation for the maintenance of international security had acquired renewed urgency.

11. During the discussion in the Special Committee, the question had been raised as to whether the term "regional organizations", as used in the working paper, was synonymous with "regional arrangements or agencies", as referred to in Chapter VIII of the Charter. The working paper appeared to refer to organizations which had as their objective the development of various forms of regional cooperation, but which did not fall strictly under Chapter VIII of the Charter; his delegation preferred a more restrictive approach. Furthermore, the concept of regional organizations should not exclude arrangements such as the Conference on Security and Cooperation in Europe which were not, strictly speaking, organizations, but which did fall under

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Chapter VIII of the Charter. His delegation had reservations with regard to paragraph 15 of the working paper, in which two distinct concepts appeared to be mingled, namely, regional arrangements or agencies, on the one hand, and organizations for the maintenance of collective security, on the other hand.

12. Future work on the document should be oriented towards the development of practical recommendations concerning the functional element of relations between the United Nations and regional organizations; it would be futile to transcribe formulas from various instruments adopted previously, while neglecting an opportunity to encourage such cooperation.

13. With regard to paragraphs 1 and 5 of the working paper, his delegation believed that it was inappropriate to impose on States an obligation to establish regional organizations, or even to encourage them to do so. The document should simply indicate the methods by which interaction between such organizations and the United Nations could be developed in the interest of international peace and security.

14. Although the working paper had been submitted as a draft declaration, his delegation believed that the Special Committee should consider other possible forms, such as a set of model rules which could serve as a basis for the elaboration of cooperation agreements between regional organizations and the United Nations, or a draft model agreement.

15. As to the proposal to invite regional organizations to participate as observers in the Special Committee (A/47/33, para. 91), his delegation did not see the need for such an invitation at the current stage and believed that other means, such as a questionnaire, could be used in order to draw up a list of practical issues for consideration by the Special Committee.

16. His delegation doubted whether it was necessary for the Special Committee to have a long-term programme of work, as suggested in working paper A/AC.182/L.65 and Corr.1 (A/47/33, para. 97). One of the Special Committee's functions was to consider timely issues referred to it by the General Assembly. The best solution would be to prepare a list of back-up issues from which the Special Committee could choose when it had completed work on the items already on its agenda.

17. His delegation welcomed the submission of document A/AC.182/L.73 (A/47/33, para. 109). A solution to the question of assistance to third States economically affected by sanctions imposed by the Security Council would help to ensure the proper application of Articles 49 and 50 of the Charter, which in turn would enhance the implementation of Chapter VII of the Charter. It would be desirable for the Special Committee to have available the analytical information on the existing experience and practice of the United Nations in that area with regard to the Security Council Committees established pursuant to resolutions 661 (1990), 724 (1991) and 748 (1992).

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18. The working paper entitled "Strengthening of the role of the United Nations in the maintenance of international peace and security" (A/AC.182/1992/CRP.2) (A/47/33, para. 123) raised sensitive issues and proposed solutions which would not strengthen, but rather would seriously undermine the role of the United Nations in the maintenance of international peace and security. His delegation agreed that the working paper, in its current form, could not be a basis for a meaningful discussion.

19. The draft entitled "United Nations rules for the conciliation of disputes between States" (A/45/742) (A/47/33, para. 132) would, despite the care with which it had been prepared, raise certain obstacles if adopted. He wondered whether the aim should be to produce rigid and detailed rules applicable to any conciliation. It was also unclear how the proposed rules would be linked to the existing mechanisms for the settlement of disputes such as the option of resorting to a commission of good offices, mediation or conciliation within the United Nations (General Assembly decision 44/415, annex). It was to be hoped that a revised draft would be submitted at the next session of the Special Committee which would focus on the establishment of a set of flexible model rules which States might adapt as appropriate.

The meeting rose at 10.50 p.m.